

VILLAGE OF HANOVER

ORDINANCE 21-2026

**AN ORDINANCE TO ADOPT ILLICIT DISCHARGE & ILLEGAL CONNECTION
CONTROL FOR THE VILLAGE OF HANOVER , LICKING COUNTY, OHIO, AND
DECLARING AN EMERGENCY.**

TABLE OF CONTENTS

	<u>PAGE</u>
PREAMBLE	1
SECTION 1: Illicit Discharge and Illegal Connection Control	1
01 PURPOSE AND SCOPE	1
02 APPLICABILITY	2
03 DEFINITIONS	2
04 DISCLAIMER OF LIABILITY	3
05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY	3
06 RESPONSIBILITY FOR ADMINISTRATION	4
07 DISCHARGE AND CONNECTION PROHIBITIONS	4
08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS	5
09 ENFORCEMENT	6
10 REMEDIES NOT EXCLUSIVE	8
SECTION 2: DECLARATION OF EMERGENCY ORDINANCE	8

PREAMBLE

WHEREAS, illicit discharges to the Village of Hanover's separate storm sewer system create water quality risks to public health, safety, and general welfare; and,

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and,

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Licking River and to protect and enhance the unique water resources of the Licking River watershed(s); and,

WHEREAS, the Village of Hanover recognizes its obligation to control illicit discharges and to protect water quality within its borders; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the Village of Hanover, to develop a Storm Water Management Program that, among other components, requires the Village of Hanover to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

NOW, THEREFORE BE IT ORDAINED by the Council of Hanover, county of Licking, State of Ohio, that:

SECTION 1: Illicit Discharge and Illegal Connection Control is hereby adopted to read in total as follows: PURPOSE AND SCOPE

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the Village of Hanover through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- A. To prohibit illicit discharges and illegal connections to the MS4.
- B. To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

02 APPLICABILITY

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the Village of Hanover, except for those discharges generated by the activities detailed in Section 1:07 A.1-3 of this regulation.

03 DEFINITIONS

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. Floatable Material: in general, this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- C. Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- D. Illicit Discharge: means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to an NPDES permit or noted in Section 1:07 A.1-3 of this regulation.
- E. Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- F. Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R 122.26(b)(8).
- G. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA or by a State under authority delegated pursuant to 33 USC Section 1342(b) that authorized the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.
- H. Off-Lot Discharging Household Sewage Treatment System: means a system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

- I. Person: means any individual, facility, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.
- J. Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discharged or abandoned objects, floatable materials, pesticide, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- K. Storm Water: means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- L. Wastewater: means the spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried waters from residences, commercial buildings, industrial plants, and institutions.

04 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the Village of Hanover, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the Village of Hanover to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village of Hanover, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

06 RESPONSIBILITY FOR ADMINISTRATION

The Village of Hanover shall administer, implement, and enforce the provisions of this regulation. The Village of Hanover may contract with the Licking County Department of Health or similar entity to conduct inspections and monitoring and to assist with enforcement actions.

07 DISCHARGE AND CONNECTION PROHIBITIONS

A. Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn and garden watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated/debrominated/desalinated swimming pool discharges; street wash water with dry cleanup method and no detergents to minimize pollutants; discharges or flows from fire-fighting activities (not planned exercises); dye tests. Non-commercial and charity car washing under the following conditions: cars and other vehicles should be washed using biodegradable and phosphate-free detergents, using the least amount of detergent necessary, using hoses with nozzles that automatically turn off when left unattended, and in an area away from storm drains or on an area that allows wash water to infiltrate into the ground such as grass, gravel, or landscaped area. If cars and other vehicles cannot be washed on grass, gravel, or landscaped area, wash water should be directed away from storm drains onto grass, gravel or landscaped areas using a broom, temporary berm, or other blocking device.

These discharges are exempt until such time as they are determined by the Village of Hanover or Ohio EPA to be significant contributors of pollutants to the MS4.

2. Discharges specified in writing by the Village of Hanover as being necessary to protect public health and safety.
3. Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Licking County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Licking County Board of Health regulations, until such time as the Ohio EPA issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be

creating a public health nuisance by the Licking County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation.

In compliance with the Village of Hanover's Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio EPA. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

- B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 2. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4 or allows such a connection to continue.

08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS

- A. Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The Village of Hanover shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.
- B. Inspection of Residential, Commercial, Industrial, or Institutional Facilities.
1. The Village of Hanover, and any authorized officer, employee, agent, contractor, consultant, or inspector designated to act on behalf of the Village, shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
 2. The Village of Hanover shall have the right to set up, at facilities subject to this regulation, such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the Village of Hanover.
 3. The Village of Hanover have the right to require the person to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility at the

facility's expense. All devices used to measure storm water flow and quality shall be calibrated by the Village of Hanover to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility at the written or oral request of the Village of Hanover and shall not be replaced. The costs of clearing such access shall be borne by the facility.
5. Unreasonable delays in allowing the Village of Hanover access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
6. If the Village of Hanover is refused access to any part of the facility from which storm water is discharged, and the Village of Hanover demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the Village of Hanover may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.
7. Any costs associated with these inspections shall be assessed to the facility.

09 ENFORCEMENT

- A. Notice of Violation. When the Village of Hanover finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the Village of Hanover may order compliance by written notice of violation. Such notice must specify the violation and shall follow one or more of the methods listed in the Service of Notices, to the person. Such notice may require the following actions:
 1. The performance of monitoring, analyses, and reporting;
 2. The elimination of illicit discharges or illegal connections;
 3. That violating discharges, practices, or operations cease and desist;
 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 5. The implementation of source control or treatment BMPs; and/or
 6. Payment of penalties.
- B. Service of Notice. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:
 1. A copy is delivered personally.

2. A copy is sent by certified mail or registered mail addressed to the owner at the last known address with return receipt requested.
3. A copy is sent by U.S. Postal Service First-Class mail, addressed to the owner at the last known address as listed on the county auditor's site
4. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

- C. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the person fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- D. Any person receiving a notice of violation must meet compliance standards within the time established in the notice of violation.
- E. If the person fails to remediate the violation within the established deadline, the work may be done by the Village of Hanover or a contractor, and the expense thereof shall be charged to the person through means designed by the Village of Hanover.

Within 30 calendar days after abatement of the violation by the Village of Hanover, the person shall be notified by the Village of Hanover of the cost of abatement, including administrative costs. The person may file a written protest with the Village of Hanover objecting to the amount of the assessment within 15 calendar days of receiving the assessment. If the amount due is not paid within a timely manner as determined by the decision of the Village of Hanover, the charges shall become a special assessment against the person's property and shall constitute a lien on the property for the amount of the assessment.

- F. Suspension Due to the Detection of Illicit Discharge: Any person discharging to the MS4 in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Village of Hanover will notify the person of the proposed termination of its MS4 access. The person commits an offense if the person reinstates MS4 access to premise terminated pursuant to this Section, without the prior approval of the Village of Hanover.
- G. Appeal of Notice of Violation: Any person receiving a notice of violation may appeal the determination of Village of Hanover. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or their designee shall take place within a reasonable amount of time from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. Notice of the administrative hearing shall be delivered in one of the manners listed in the "Service of Notice" section.

- H. Civil Penalties: Any person violating any provisions of the requirements of this Section shall be subject to a fine of up to \$500.00 per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this Section exists shall constitute a separate offense.
- I. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If a person has violated or continues to violate the provisions of this regulation, the Village of Hanover may petition the Licking County Common Pleas Court for a preliminary or permanent injunction, as appropriate, restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.
- J. Equitable Relief: The Village of Hanover may also seek such other action as is appropriate for legal and/or equitable relief, including bringing legal action to enforce the requirements of this Section. Filing a suit shall not be a bar against, or a prerequisite for taking any other action against a person.
- K. Recoverable Costs: The Village of Hanover may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village of Hanover.
- L. Publication of Violations and/or Enforcement Actions: The Village of Hanover may publish violations and/or enforcement actions at any time. The cost of such publication will be recovered from the person in violation of the requirements of this Section.

10 REMEDIES NOT EXCLUSIVE

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the Village of Hanover to seek cumulative remedies.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village, and for the further reason that it is necessary to timely account for and disburse funds related to engineering review services; therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

Adopted: June 10, 2026


Brett Wright, President of Council

Attest: Nicole D. Gieseler
Nicole D. Gieseler, Fiscal Officer

Submitted to the Mayor this

10 day of June, 2026

Approved by the Mayor this

10 day of June, 2026

Brandon Hale
Brandon Hale, Mayor

Approved as to form this 10 day of June, 2026

First reading 6-10-26 Second Reading: waived Third Reading: waived